

REMARKS

This is a full and timely response to the outstanding final Office Action mailed February 14, 2008. In the Office Action claims 1, 2, 11, 17, 24, 25, 49, 50-54, and 56-58 have been preliminarily rejected as allegedly being anticipated under 35 USC §102(e). In addition, claims 3, 4, 12, 22, 32, 33, 37, 39-41, 43-48 and 55 have been preliminarily rejected as being allegedly unpatentable under 35 USC §103(a). Claims 1-4, 11, 12, 16, 17, 22, 24, 25, 32, 33, 37, 39-41, and 43-55 remain pending for consideration and allowance is respectfully requested.

GENERAL RESPONSE TO INDEPENDENT CLAIM REJECTIONS (CLAIMS 1, 17, 32, 37, 43, 47, and 51) BASED ON PRIOR ART

Each of the pending independent claims has been amended to better define the presently pending invention over the prior art. The intension of these amendments has been to clearly show, among other things, that none of the prior art teaches a learning object as defined by the presently pending application.

All of the independent claims contain the limitation of comprising learning objects. As defined by the presently pending application, **learning objects** are not defined in accordance with the prior art. Page 8, paragraph 34 of the presently pending application states that an object is considered to be a software construct or programming entity that bundles together code. Page 8, paragraph 33 of the presently pending application reads:

Each learning object 125 may include the learning objectives, course content and assessment items. In defining the learning objects for a course, every aspect of the course associated with the ultimate presentation of that course is separately and semantically described as an object. For example, a given sub-topic might have several paragraphs of

text, several video or audio clips, "buttons" for students to click on for navigation, etc. Each of these is described as an individual object, having its own purpose within the overall context of the course to be presented. Once learning objects 125 have been authored by authoring tool 110, they can be forwarded to database 130 for storage.

The Applicant respectfully submits that learning objects are not the combination of things such as adding audio, video, animation, and text (and/or other interactive media). Instead, an audio clip would be a learning object, a button would be a learning object, a video clip would be a learning object, several paragraph of text would be a learning object, etc. By breaking things to this lower granular level, learning objects may be manipulated, combined, replaced, edited, etc. easier and without affecting other learning objects. Alternatively, prior art online courses do not store learning objects, as defined by the present invention, but instead, store combinations of elements together and call the combination of elements a "learning object". To edit an element in the prior art, the combination would have to be edited to replace a portion of the combination and the entire combination would then be stored again as a "learning object".

An example of this prior art definition of a "learning object" is provided by DeNicola, which has been cited in the pending Office Action. Specifically, column 5, lines 17-29 were cited to, which read:

The learning object library administrator station creates profiles of keywords, descriptions, course and class relevance, test/question/answer relevance, associated files and graphics to form "learning objects" using audio, video, animation, text, Web pages (and other interactive multimedia); a learning objects database for storing said learning objects; a learning object library scripts engine coupled between the learning objects database and the Web server for generating scripting language corresponding to the learning objects and for assembling the learning objects when requested from the Web server; and an end user browser coupled to the Internet for permitting an end user to make requests for the learning objects via the Web server.

The abovementioned reaffirms that a "learning object" of the prior art is not the same as the learning object of the presently pending independent claims. To further clarify this matter, the Applicant has added to each independent claim the limitation that an object is a software construct used to bundle together code. The Applicant hopes that this language provides the clarification necessary to define the pending independent claims over the prior art. Of course, other amendments have also been made to the claims for further clarification.

There are many advantages to working at the granular level expressed by the presently pending application. As an example, editing of a learning object does not require editing of other objects (e.g., if you want to change one button available for Web pages, you can replace the one button). In addition, learning objects are independent of any specific applications. This application independence allows sharing of the objects between applications.

The learning objects are also only dynamically assembled and rendered immediately prior to delivery. Clearly, as defined above, learning objects are not dynamically assembled and rendered prior to delivery by the prior art.

As a result of the abovementioned amendments to the independent claims, allowance of amended independent claims 1, 17, 32, 37, 43, 47, and 51 is respectfully requested.

DEPENDENT CLAIMS

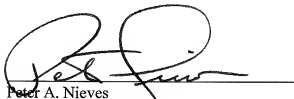
If the independent claims (i.e., claims 1, 17, 32, 37, 43, 47, and 51) are allowable over the prior art of record, then their dependent claims (2-4, 11, 12, 16, 22, 24, 25, 33, 39-41, 44-50, and 52-55) are allowable as a matter of law. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Additionally and notwithstanding the foregoing, these dependent claims recite further features and/or combinations of features (as is apparent by examination of the claims themselves) that are patentably distinct from the prior art of record. Hence, there are other reasons why these dependent claims are allowable.

CONCLUSION

In light of the foregoing and for at least the reasons set forth above, the Applicant respectfully requests favorable reconsideration and allowance of the present application and the presently pending claims. If in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (603) 627-8134.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Peter A. Nieves', is written over a horizontal line.

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